

12608 Salsberg

UNITED STATES DISTRICT COURT  
SOUTHTERN DISTRICT OF NEW YORK

X

Diana Salsberg, Individually and  
on behalf of others similarly situated

Plaintiffs  
By Permissive Joinder 07-CIV-3537  
REQUEST TO PARTICIPATE  
AND  
CONSENT TO SUE  
"ECF Case"  
(CLB)

-against-

The Board Of Trustees of Dutchess Community College

Defendant

X

Rita Banner, under penalty and perjury declares the following to be true:

- 1) I reside at 20 Oak Crest Drive Highland, Ulster County New York 12528.
- 2) I was hired by the Defendant in February 1981 and am still employed.
- 3) I am a member of the Bargaining Unit formed by the Collective Bargaining Agreement (CBA) between the College and Dutchess United Educators (DUE) effective as of September 1, 2004 to August 31, 2008, and under predecessor CBAs.
- 4) I am not a management/confidential employee as defined by the New York State Taylor Law.
- 5) My claim against the College is for uncompensated overtime pay, which constituted "hours worked" pursuant to 29 CFR §§ 778.223 and 778.315.
- 6) I regularly worked in a given work week in excess of 40 hours, and the College did not record the weekly hours worked in excess of 40.
- 7) The "hours worked" were not insubstantial or insignificant and therefore not de minimus as defined in 29 CFR § 785.47.
- 8) I received no overtime compensation for any of the weekly hours worked in excess of 40.
- 9) The unpaid overtime referred to in ¶8 was never made up to me.

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- 10) The College willfully failed to record the times mentioned in ¶¶ 5, 6 and 7 herein as "hours worked" and thereby willfully failed to pay me overtime compensation in violation of the Fair Labor Standards Act and its regulations 29 CFR Part 778, and in violation of the New York State Labor Law §663 and its Regulations 12 NYCCR §142-2.2.
- 11) Upon information and belief I am a person who is similarly situated to the Plaintiff Ms. Diana Salsberg because I was subjected to a willful and common policy or plan by the College to violate the Federal and State Labor Laws requiring the payment of all "hours worked", and I seek payment for all such hours worked and liquidated damages for such unlawful activities.
- 12) I have retained the Law Office of Joseph P. Carey, P.C. to represent me in the above action and hereby authorize such attorney to file with the Clerk of the Court this Request To Participate in this litigation.

Dated: August 7, 2007

  
Rita Banner

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SOUTHERN DISTRICT OF NEW YORK

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The Board Of Trustees of Dutchess Community College

\_\_\_\_\_  
Defendant

I hereby consent to be a Plaintiff in an action under the FLSA 29 USC § 201 et. seq., to secure any unpaid minimum wages, overtime, liquidated damages, attorneys' fees, costs and other relief arising out of my employment with The Board Of Trustees of Dutchess Community College.

I authorize the law office of Joseph P. Carey, P.C. and any associated attorneys, as well as my successors or assigns, to represent me in such action.

Dated: August 13, 2007

Rita Banner  
Signature

Rita Banner  
Name (Printed)

